

Docket No.: 0425-1266PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Toshimitsu UENAKA et al.

Application No.: 10/586,536

Confirmation No.: 1635

Filed: July 19, 2006

Art Unit: Not Yet Assigned

For: ASSAY METHOD TO PREDICT
SENSITIVITY OF CANCER CELL TO
ANTICANCER DRUG

Examiner: Not Yet Assigned

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements dated June 23, 2008, Applicants respectfully request reconsideration and withdrawal of the outstanding Notice based on the following:

Applicants submitted a Declaration and Power of Attorney in compliance with the necessary requirements on July 19, 2006 (concurrent with the filing of the application). Attached as evidence is the following:

a printout of the Image File Wrapper (IFW) indicating its submission;

a copy of the Declaration and Power of Attorney printed from the IFW; and

a copy of the postcard indicating the receipt of the Declaration by the USPTO.

As required, a copy of the Notice of Missing Requirements is also supplied herewith.

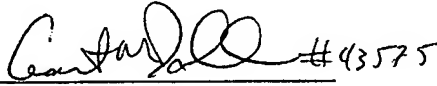
Application No.: 10/586,536

Docket No.: 0425-1266PUS1

Since the Declaration was filed concurrent with the application filing, Applicants also submit that the \$130 surcharge is not necessary. However, if the USPTO finds necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: **JUL 30 2008**

Respectfully submitted,

By  #43575
Marc S. Weiner
Registration No.: 32,181
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachments as indicated above.



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz Alerts](#) | [News](#) | [Help](#)
[Portal Home](#) | [Patents](#) | [Trademarks](#) | [Other](#) | [Sign-Off Authenticated Session](#)

Patent eBusiness

- [Electronic Filing](#)
- [Patent Application Information \(PAIR\)](#)
- [Patent Ownership](#)
- [Fees](#)
- [Supplemental Resources & Support](#)

Patent Information

- [Patent Guidance and General Info](#)
- [Codes, Rules & Manuals](#)
- [Employee & Office Directories](#)
- [Resources & Public Notices](#)

Patent Searches

- [Patent Official Gazette](#)
- [Search Patents & Applications](#)
- [Search Biological Sequences](#)
- [Copies, Products & Services](#)

Other

- [Copyrights](#)
- [Trademarks](#)
- [Policy & Law](#)
- [Reports](#)

Secured Patent Application Information Retrieval

[XML Download](#)
[Order Certified Application As Filed](#) | [Order Certified File Wrapper](#) | [View Order List](#)

10/586,536

Assay method to predict sensitivity of cancer cell to anticancer drug

PDF

[Select New Case](#) | [Application Data](#) | [Transaction History](#) | [Image File Wrapper](#) | [Continuity Data](#) | [Foreign Priority](#) | [Address & Attorney/Agent](#) | [Assignments](#) | [Display References](#) | [Publication Review](#)

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click PDF.

Available Documents

Mail Room Date	Document Code	Document Description	Document Category	Page Count	PDF
06-23-2008	M905	Notice of DQ/EO Missing Requirements Mailed	PROSECUTION	2	<input type="checkbox"/>
06-23-2008	OA.EMAIL	Email Notification	PROSECUTION	1	<input type="checkbox"/>
06-19-2008	371P	Documents submitted with 371 Applications	PROSECUTION	49	<input type="checkbox"/>
06-19-2008	371P	Documents submitted with 371 Applications	PROSECUTION	4	<input type="checkbox"/>
06-19-2008	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1	<input type="checkbox"/>
06-19-2008	WCLM	Claims Worksheet (PTO-2022)	PROSECUTION	1	<input type="checkbox"/>
06-19-2008	IMIS	Miscellaneous Internal Document	PROSECUTION	1	<input type="checkbox"/>
06-19-2008	ABST	Abstract	PROSECUTION	2	<input type="checkbox"/>
05-12-2008	NPL	NPL Documents	PRIOR ART	7	<input type="checkbox"/>
05-12-2008	NPL	NPL Documents	PRIOR ART	2	<input type="checkbox"/>
05-12-2008	N417	EFS Acknowledgment Receipt	PROSECUTION	2	<input type="checkbox"/>
05-12-2008	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	1	<input type="checkbox"/>
05-12-2008	IDS.LET	Information Disclosure Statement Letter	PROSECUTION	5	<input type="checkbox"/>
10-18-2006	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	7	<input type="checkbox"/>
10-18-2006	FOR	Foreign Reference	PRIOR ART	1	<input type="checkbox"/>
10-18-2006	FOR	Foreign Reference	PRIOR ART	1	<input type="checkbox"/>
10-18-2006	FOR	Foreign Reference	PRIOR ART	1	<input type="checkbox"/>
10-18-2006	FOR	Foreign Reference	PRIOR ART	1	<input type="checkbox"/>
10-18-2006	FOR	Foreign Reference	PRIOR ART	30	<input type="checkbox"/>
10-18-2006	FOR	Foreign Reference	PRIOR ART	160	<input type="checkbox"/>
10-18-2006	FOR	Foreign Reference	PRIOR ART	200	<input type="checkbox"/>
10-18-2006	NPL	NPL Documents	PRIOR ART	11	<input type="checkbox"/>
10-18-2006	NPL	NPL Documents	PRIOR ART	7	<input type="checkbox"/>
10-18-2006	NPL	NPL Documents	PRIOR ART	7	<input type="checkbox"/>
10-18-2006	NPL	NPL Documents	PRIOR ART	8	<input type="checkbox"/>
10-18-2006	NPL	NPL Documents	PRIOR ART	8	<input type="checkbox"/>
10-18-2006	NPL	NPL Documents	PRIOR ART	4	<input type="checkbox"/>
10-18-2006	NPL	NPL Documents	PRIOR ART	9	<input type="checkbox"/>
10-18-2006	NPL	NPL Documents	PRIOR ART	3	<input type="checkbox"/>
07-19-2006	TRNA	Transmittal of New Application	PROSECUTION	3	<input type="checkbox"/>
07-19-2006	SPEC	Specification	PROSECUTION	47	<input type="checkbox"/>
07-19-2006	CLM	Claims	PROSECUTION	15	<input type="checkbox"/>
07-19-2006	ABST	Abstract	PROSECUTION	1	<input type="checkbox"/>
07-19-2006	DRW	Drawings-only black and white line drawings	PROSECUTION	4	<input type="checkbox"/>
07-19-2006	OATH	Oath or Declaration filed	PROSECUTION	2	<input type="checkbox"/>
07-19-2006	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1	<input type="checkbox"/>
07-19-2006	371P	Documents submitted with 371 Applications	PROSECUTION	49	<input type="checkbox"/>
07-19-2006	371P	Documents submitted with 371 Applications	PROSECUTION	1	<input type="checkbox"/>
07-19-2006	371P	Documents submitted with 371 Applications	PROSECUTION	1	<input type="checkbox"/>
07-19-2006	P.210.IN	Incoming ISR, 237 &	PROSECUTION	2	<input type="checkbox"/>

[References from IB](#)[Select All](#) [Clear All](#)

If you need help:

- Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail EBC@uspto.gov for specific questions about Patent Application Information Retrieval (PAIR).
- Send general questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).
- If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.

You can suggest USPTO webpages or material you would like featured on this section by E-mail to the webmaster@uspto.gov. While we cannot promise to accommodate all requests, your suggestions will be considered and may lead to other improvements on the website.

[Home](#) | [Site Index](#) | [Search](#) | [eBusiness](#) | [Help](#) | [Privacy Policy](#)

Inventor: Toshimitsu UENAKA et al.

Atty Docket No.: 0425-1266PUS1

Application No.: NEW

Filing Date: July 19, 2006

Title: ASSAY METHOD TO PREDICT SENSITIVITY OF CANCER CELL TO ANTICANCER DRUG

Documents Filed:

• Drawings (4 sheets)

• PCT/ISA/210, PCT/IB/301, PCT/IB/304

• Copy of the International application

• English language translation of the International application (63 pages)

• Oath or declaration of the inventor(s)

• Assignment (2 pages)

• Transmittal Letter to the United States Designated-Elected Office (3 pages)

Via:

Sender's Initials: MSW/sns

Due Date: July 19, 2006

Date: July 19, 2006

10/586536
IAP7 Rec'd PCT/PTO 19 JUL 2006

Inventor: Toshimitsu UENAKA et al.

Atty Docket No.: 0425-1266PUS1

Application No.: NEW

Filing Date: July 19, 2006

Title: ASSAY METHOD TO PREDICT SENSITIVITY OF CANCER CELL TO ANTICANCER DRUG

Documents Filed:

• Drawings (4 sheets)

• PCT/ISA/210, PCT/IB/301, PCT/IB/304

• Copy of the International application

• English language translation of the International application (63 pages)

• Oath or declaration of the inventor(s)

• Assignment (2 pages)

• Transmittal Letter to the United States Designated-Elected Office (3 pages)

Via:

Sender's Initials: MSW/sns

Due Date: July 19, 2006

Date: July 19, 2006

Recordation Form Cover Sheet (2)

• Check in the amount of \$940.00





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/586,536	Toshimitsu Uenaka	0425-1266PUS1
2292 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747		INTERNATIONAL APPLICATION NO. PCT/JP05/02091
		I.A. FILING DATE 02/04/2005
		PRIORITY DATE 02/06/2004

Quinn KH
DOCKETED
Perfect
8(23)08

CONFIRMATION NO. 1635
371 FORMALITIES LETTER



Date Mailed: 06/23/2008

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Priority Document
- Copy of the International Application filed on 07/19/2006
- English Translation of the IA filed on 07/19/2006
- Copy of the International Search Report filed on 07/19/2006
- Information Disclosure Statements filed on 05/12/2008
- Request for Immediate Examination filed on 07/19/2006
- U.S. Basic National Fees filed on 07/19/2006
- Specification filed on 07/19/2006
- Claims filed on 07/19/2006
- Abstracts filed on 07/19/2006
- Drawings filed on 07/19/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206